

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL ALAN FINCH,	:	Case No. 3:19-cv-170
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

On June 7, 2019, Plaintiff filed a Complaint in this Court seeking judicial review of a final decision issued by the Commissioner of the Social Security Administration. (Doc. #1). The Commissioner filed a certified copy of the administrative record on August 20, 2019. (Doc. #6). Plaintiff did not file a Statement of Errors as required by the Magistrate Judges' Seventh Amended General Order No. 11. Consequently, the Court ordered Plaintiff to show cause—not later than November 8, 2019—why his Complaint should not be dismissed due to his failure to prosecute and his failure to file a Statement of Errors as required by the Magistrate Judges' Seventh Amended General Order No. 11. (Doc. #7). The Court also provided Plaintiff with an alternative opportunity to file a Statement of Errors by November 8, 2019. *Id.* Plaintiff has not responded to the Court's Order to Show Cause.

Plaintiff has engaged in a clear pattern of delay by not filing a statement of errors, by not responding to the Order to Show Cause, and by not taking any action in this case

since filing his Complaint. As a result of Plaintiff's failure to comply with the Court's Order to Show Cause, the record is void of an explanation by Plaintiff for his failure to file a Statement of Errors. Absent such an explanation, and in light of the above circumstances, Plaintiff's clear pattern of delay warrants dismissal of this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *see also Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991); *Harris v. Callwood*, 844 F.2d 1254, 1256 (6th Cir. 1988).

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Complaint is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b); and
2. The case is terminated on the docket of this Court.

November 20, 2019

s/Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge